

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
:
vs. : **Criminal No. 04-36 Erie**
:
ANN MARIE WEBER, :
Defendant :

**SECOND MOTION TO CONTINUE SUPERVISED RELEASE
REVOCATION HEARING**

AND NOW comes the above-named Defendant, ANN MARIE WEBER, by and through her attorney, Elliot J. Segel, Esquire, and respectfully requests that the hearing scheduled on the Government's Petition requesting that Defendant's supervised release ordered in this case be revoked be continued. In support thereof Defendant states the following:

1. Ms. Weber was sentenced in this case on September 23, 2005 to 8 months custody in the Federal Bureau of Prisons, to be followed by 3 years supervised release, with Ms. Weber to follow various special conditions and terms of release.
2. Ms. Weber was released from the custody of the Federal Bureau of Prison to begin serving her period of supervised release in Erie, PA. on or about June 23, 2006.
3. In the latter part of December, 2006, United States Probation filed a Petition with this Court to seek revocation of Defendant's supervised release based upon allegations that Defendant violated conditions of her release.
4. Initially, the hearing on said Petition was scheduled with this Court for January 16, 2007.
5. Ms. Weber hired undersigned counsel to represent her in this matter during the last week of December, 2006.
6. Because counsel determined that he had insufficient time prior to the January 16,

2007 scheduled hearing date to properly prepare Ms Weber's case, counsel filed a Motion to Continue the hearing with the Court on January 12, 2007.

7. This Court entered an Order on January 16, 2007 granting the continuance motion and rescheduling the hearing for February 27, 2007 at 1:30 p.m.

8. Counsel for Ms. Weber now submits that the 2/27/07 hearing should be continued again **for medical reasons**. These are set forth as follows:

On Thursday, 2/20/07, Ms. Weber underwent a surgical procedure called an Esophagogastrectomy (**EGD**). This procedure was prescribed by her treating physician, Edward E. Janus, D.O., an internal medicine specialist, for a condition known as **Dysphagia** (difficulty swallowing). Dysphagia is the main **symptom of esophageal cancer**, and the EGD, in addition to excising blockages in the esophagus, collects cells to be biopsied for purposes of diagnosing whether or not Ms. Weber has esophageal cancer. (See, attached hereto collectively as **Exhibit 1**, the pre-surgery prescriptions and instructions provided for Ms. Weber.)

Ms. Weber did undergo the EGD on Thursday, 2/20/07, and the collected cells have been sent for microscopic evaluation. She is supposed to schedule an appointment with Dr. Janus within a week to discuss the biopsy results. Further diagnostic steps are also supposed to be discussed relative to concerns for breast cancer that arose from findings made on 2/20/07.

9. Given the above, counsel submits that the pending revocation hearing should be continued until at least the cancer biopsies and diagnostic studies and results discussions have been concluded.

10. Counsel has discussed the above with Assistant United States Attorney Christian Trabold, who related that the Government has no objection to the within continuance request.

WHEREFORE, for the foregoing reasons, Defendant respectfully requests that this Court enter an Order continuing the February 27, 2007 revocation hearing in this matter.

Respectfully submitted,

S/Elliott J. Segel

ELLIOT J. SEGEL, ESQUIRE
Counsel for Ann Marie Weber
PA. ID #32018
818 State Street
Erie, PA 16501
(814) 454-1500

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Second Motion to Continue Supervised Release Revocation Hearing was delivered by electronic filing this 26th day of February, 2007, to the following:

Chris Trabold, Esquire
Assistant United States Attorney
Federal Court House
17 South Park Row, Room 330
Erie, Pennsylvania 16501

s/Elliott J. Segel

ELLIOT J. SEGEL, ESQUIRE
Counsel for Ann Marie Weber